

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION CIRCUIT COURT

AVC NO. 07-002

**FILED**

IN RE: TARGET MARKETING  
SYSTEMS, INC. )  
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 )

(32) FEB 05 2007

Respondent. )

*Elizabeth A. White*  
CLERK OF THE MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Lisa Ward, and the Respondent, Target Marketing Systems, Inc., enter into an Assurance of Voluntary Compliance ("Assurance") pursuant to Indiana Code § 24-5-0.5-7(a).

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent, Target Marketing Systems, Inc., is a New York corporation engaged in the sale of business opportunities with principal place of business at 251 New Karner Road, Albany, NY 12205 and transacts business with Indiana consumers.

2. The terms of this Assurance apply to and are binding upon the Respondent, its employees, agents, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4, Ind. Code §24-5-0.5-1 *et seq.*, and Ind. Code §24-5-8-1 *et seq.*

4. Respondent, in soliciting and transacting business within the State of Indiana, shall comply with the provisions of Indiana's Deceptive Consumer Sales Act, Ind. Code §

24-5-0.5-1 *et seq.*, and Indiana's Business Opportunities Transactions Act, Ind. Code § 24-5-8-1 *et seq.*

5. Respondent shall not advertise or make any other representations to Indiana residents with regard to any business opportunity offered by Respondent without first filing the disclosure statement required by Ind. Code § 24-5-8-2 and the surety bond required by Ind. Code § 24-5-8-3 with the Consumer Protection Division of the Indiana Attorney General's Office and paying the statutory fifty dollar (\$50.00) filing fee.

6. Respondent shall not enter into a contract for the sale of a business opportunity with an Indiana investor unless such contract is in writing and includes the terms required by Ind. Code §24-5-8-6.

7. Respondent shall pay full restitution to any investor filing a written complaint with the Consumer Protection Division of the Indiana Attorney General's Office in the future, if such complaint arises from a business opportunity contract between an investor and Respondent solicited or formed within the State of Indiana during a time period when Respondent's activities as a seller of business opportunities were not in full compliance with Indiana's Business Opportunities Transactions Act.

8. Respondent agrees to pay consumer restitution in the amount of Fourteen Thousand Nine Hundred Dollars (\$14,900.00) to the Office of Attorney General for the benefit of Samuel E. Flenner of Indianapolis, Indiana, according to the payment schedule set forth in paragraph 10 below.

9. Respondent agrees to pay costs in the amount of Three Hundred Dollars (\$300.00) to the Office of Attorney General, according to the payment schedule set forth in paragraph 10 below.

10. Respondent shall pay the restitution and costs referred to in paragraphs 8 and 9 shall be paid in four (4) equal installments of Three Thousand Eight Hundred Dollars (\$3,800.00) due on February 1, March 1, April 1, and May 1, 2007, respectively.

11. Respondent agrees that the statute of limitations applicable to any cause of action that could be filed by the State of Indiana against Respondent pursuant to Indiana's Business Opportunities Transactions Act, Indiana Code § 24-5-8-1 *et seq.*, shall be tolled up to and including June 15, 2007.

12. Respondent shall not represent that the Office of Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

13. Respondent shall fully cooperate with the Office of Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

14. The Office of Attorney General shall file this Assurance with the Marion County Circuit Court. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 5 day of February, 2007.

STATE OF INDIANA  
STEVE CARTER  
Attorney General of Indiana

RESPONDENT  
Target Marketing Systems, Inc.

By: Lisa Ward  
Lisa Ward  
Deputy Attorney General  
Attorney No. 26140-49  
Office of the Attorney General  
302 West Washington Street 5<sup>th</sup> Floor  
Indianapolis, IN 46204-2770  
Telephone (317) 233-3987

By: Marc Sterman  
Name: Marc Sterman  
Title: President

**FEB 05 2007**  
APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Theodore M Sosin  
Judge, Marion Circuit Court